

United States Bankruptcy Court

Southern District of New York

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):

Trotters NY Restaurant Group, LLC

Name of Joint Debtor (Spouse) (Last, First, Middle):

All Other Names used by the Debtor in the last 8 years
(include married, maiden, and trade names):**DBA Paniche**All Other Names used by the Joint Debtor in the last 8 years
(include married, maiden, and trade names):Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN
(if more than one, state all)**20-8514617**Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN
(if more than one, state all)

Street Address of Debtor (No. and Street, City, and State):

**175 Main Street
White Plains, NY**

ZIP Code

10601

Street Address of Joint Debtor (No. and Street, City, and State):

ZIP Code

County of Residence or of the Principal Place of Business:

Westchester

County of Residence or of the Principal Place of Business:

Mailing Address of Debtor (if different from street address):

ZIP Code

Mailing Address of Joint Debtor (if different from street address):

ZIP Code

Location of Principal Assets of Business Debtor
(if different from street address above):**Type of Debtor**

(Form of Organization)

(Check one box)

☐ Individual (includes Joint Debtors)*See Exhibit D on page 2 of this form.*☒ Corporation (includes LLC and LLP)☐ Partnership☐ Other (If debtor is not one of the above entities,
check this box and state type of entity below.)**Nature of Business**

(Check one box)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined
in 11 U.S.C. § 101 (51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☒ Other

Tax-Exempt Entity

(Check box, if applicable)

- ☐ Debtor is a tax-exempt organization
under Title 26 of the United States
Code (the Internal Revenue Code).

Chapter of Bankruptcy Code Under Which**the Petition is Filed (Check one box)**

- ☐ Chapter 7
- ☐ Chapter 9
- ☒ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13

☐ Chapter 15 Petition for Recognition
of a Foreign Main Proceeding☐ Chapter 15 Petition for Recognition
of a Foreign Nonmain Proceeding**Nature of Debts**

(Check one box)

☐ Debts are primarily consumer debts,
defined in 11 U.S.C. § 101(8) as
"incurred by an individual primarily for
a personal, family, or household purpose."

☒ Debts are primarily
business debts.

Filing Fee (Check one box)☒ Full Filing Fee attached

☐ Filing Fee to be paid in installments (applicable to individuals only). Must
attach signed application for the court's consideration certifying that the
debtor is unable to pay fee except in installments. Rule 1006(b). See Official
Form 3A.

☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must
attach signed application for the court's consideration. See Official Form 3B.

Check one box:

- ☒ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

Check if:

☒ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates)
are less than \$2,343,300 (*amount subject to adjustment on 4/01/13 and every three years thereafter*).

Check all applicable boxes:

- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors,
in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information☒ Debtor estimates that funds will be available for distribution to unsecured creditors.

☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid,
there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

☒ 1-49 ☐ 50-99 ☐ 100-199 ☐ 200-999 ☐ 1,000-5,000 ☐ 5,001-10,000 ☐ 10,001-25,000 ☐ 25,001-50,000 ☐ 50,001-100,000 ☐ OVER 100,000

Estimated Assets

☐ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☒ \$500,001 to \$1 million ☐ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

Estimated Liabilities

☐ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☒ \$500,001 to \$1 million ☐ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

THIS SPACE IS FOR COURT USE ONLY

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Trotters NY Restaurant Group, LLC**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location

Where Filed: **- None -**

Case Number:

Date Filed:

Location

Where Filed:

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

- None -

Case Number:

Date Filed:

District:

Relationship:

Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X

Signature of Attorney for Debtor(s)

(Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Trotters NY Restaurant Group, LLC**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney*

X /s/ Jonathan S. Pasternak _____
Signature of Attorney for Debtor(s)

Jonathan S. Pasternak _____
Printed Name of Attorney for Debtor(s)

Rattet, Pasternak & Gordon-Oliver, LLP _____
Firm Name

550 Mamaroneck Avenue
Suite 510
Harrison, NY 10528

Address

(914) 381-7400 Fax: (914) 381-7406 _____
Telephone Number

September 8, 2010 _____
Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Mark Avallone _____
Signature of Authorized Individual

Mark Avallone _____
Printed Name of Authorized Individual

Member _____
Title of Authorized Individual

September 8, 2010 _____
Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X _____
Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

**United States Bankruptcy Court
Southern District of New York**

In re **Trotters NY Restaurant Group, LLC**,
Debtor

Case No. _____

Chapter **11**

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with Rule 1007(a)(3) for filing in this chapter 11 case.

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Anthony Goncalves 50 Gideon Lane Darien, CT 06820		45%	
John Tesone P.O. Box 528 Armonk, NY 10504		30%	
Mark Avallone P.O. Box 297 Pleasantville, NY 10570		25%	

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Member of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **September 8, 2010**

Signature **/s/ Mark Avallone**
Mark Avallone
Member

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C §§ 152 and 3571.

**United States Bankruptcy Court
Southern District of New York**

In re **Trotters NY Restaurant Group, LLC**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Member of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **September 8, 2010**

/s/ Mark Avallone

Mark Avallone/Member

Signer/Title

14 WYASSUP-LAUREL
C/O FREDERIC LEHRMAN, ESQ.
199 MAIN STREET
WHITE PLAINS, NY 10601

ACE ENDICO
80 INTERNATIONAL BLVD.
BREWSTER, NY 10509

ANGELA GONCALVES
48 MARIOMI ROAD
NEW CANAAN, CT 06840

ANTHONY GONCALVES
50 GIDEON LANE
DARIEN, CT 06820

ANTHONY GONCALVES
48 MARIOMI ROAD
NEW CANAAN, CT 06840

ANTONIO RODRIQUEZ
A.J. RODRIGUES GROUP INC.
6 NORTH PEARL ST. - 403A
PORT CHESTER, NY 10573

ARITSAN BREAD & PRODUCTS
10 WALL STREET
NORWALK, CT 06850

BANK OF AMERICA
BANKRUPTCY DEPT.
4161 PIEDMONT PKWY
GREENSBORO, NC 27410-8110

BANK OF AMERICA, N.A.
P.O. BOX 15184
WILMINGTON, DE 19850

BC MECHANICAL
925 SAW MILL RIVER ROAD
YONKERS, NY 10710

BLINDS TO GO
3510 ST. JOSEPH BLVD. EAST
MONTREAL (QC)
CANADA

CENTRAL SONITEC SECURITY GROUP
22 WEST LINCOLN AVENUE
MOUNT VERNON, NY 10550

D'ARTAGNAN, INC.
280 WILSON AVENUE
NEWARK, NJ 07105

D'ARTAGNAN, INC.
C/O CST COLLECTIONS CO.
P.O. BOX 33127
LOUISVILLE, KY 40232-3127

D'ARTAGNAN, INC.
C/O CST COLLECTIONS CO.
P.O. BOX 224769
DALLAS, TX 75222

DESPANNA FOODS
86-17 NORTHERN BLVD.
JACKSON HEIGHTS, NY 11372

EAGLE AIR CONDITIONING
16 SHERMAN AVENUE
WHITE PLAINS, NY 10601

EMPIRE MERCHANTS, LLC
16 BRIDGEWATER STREET
BROOKLYN, NY 11222

FISCHER & MILLER, INC.
85 WESTMORELAND AVENUE
WHITE PLAINS, NY 10606

FORTESSA, INC.
22601 DAVIS DRIVE
STERLING, VA 20164

FORTESSA, INC.
C/O MURRAY S. LUBITZ, ESQ.
245 MAIN STREET
WHITE PLAINS, NY 10601

GOOD BREAD BAKERY
33 NEW BROAD STREET
PORT CHESTER, NY 10573

HOUSE OF ESQUIRE, LLC
C/O DREW B. WASSERMAN, ESQ.
186-09 UNION TURNPIKE
FLUSHING, NY 11366

INTERNAL REVENUE SERVICE
P.O. BOX 21126
PHILADELPHIA, PA 19114

INTERSTATE FIRE & SAFETY
P.O. BOX 4165
GREENWICH, CT 06831

IRIS TESONE
P.O. BOX 528
ARMONK, NY 10504

JAVA MEDIC EURO COFEE
54 MILLER ROAD
MAHOPAC, NY 10541

JERRI AVALLONE
P.O. BOX 297
PLEASANTVILLE, NY 10570

JOHN TESONE
P.O. BOX 528
ARMONK, NY 10504

KEYBANK NATIONAL ASSOCIATION
270 MARTINE AVENUE
WHITE PLAINS, NY 10601

KING GLASS
200 SEIGEL STREET
BROOKLYN, NY 11206

MARK AVALLONE
P.O. BOX 297
PLEASANTVILLE, NY 10570

NYS DEPT. OF TAX & FINANCE
BANKRUPTCY/SPECIAL PROCEDURES
PO BOX 5300
ALBANY, NY 12205-0300

OFFICE OF THE US TRUSTEE
SOUTHERN DISTRICT OF NEW YORK
33 WHITEHALL STREET, 21ST FLR
NEW YORK, NY 10004

RALPH MARTINELLI
SPOTLIGHT PUBLICATIONS, LLC
100 CLEARBROOK ROAD
ELMSFORD, NY 10523

SECURITY EXCHANGE COMM
THE WOOLWORTH BUILDING
233 BROADWAY- JOHN MURRAY
NEW YORK, NY 10279

SHERIFF OF WESTCHESTER COUNTY
JUAN CAAMANO, 197
110 DMLK, JR. BLVD. ROOM L217
WHITE PLAINS, NY 10601

SID WAINER & SON
P.O. BOX 50240
NEW BEDFORD, MA 02745

SID WAINER & SON
C/O COFACE NORTH AMERICA
1350 BROADWAY STE 2000
NEW YORK, NY 10018

TEMPRANILLO, INC.
22 PLAIN AVENUE
NEW ROCHELLE, NY 10805

THE ROGERS COLLECTION
10 DANA STREET
PORTLAND, ME 04101

TONY GONCALVES
50 GIDEON LANE
DARIEN, CT 06820

TRIUNFO FOODS
574 FERRY STREET
NEWARK, NJ 07105

UNITED COMMERCIAL COLLECTIONS
4455 GEMESSEE STREET
BUFFALO, NY 14225-1928

UNITED STATES ATTORNEY
ONE ST. ANDREW'S PLAZA
CLAIMS UNIT-ROOM 417
NEW YORK, NY 10007

VINCENT PERITO, INC.
2 WAYNE VALLEY ROAD
ARMONK, NY 10504

WESTCHESTER MAGAZINE
100 CLEARBROOK ROAD
ELMSFORD, NY 10523

WHITE PLAINS LINEN
4 JOHN WALSH BLVD.
PEEKSKILL, NY 10566

WILD EDIBLES
21-51 BORDEN AVENUE
LONG ISLAND CITY, NY 11101

**United States Bankruptcy Court
Southern District of New York**

In re <u>Trotters NY Restaurant Group, LLC</u>	Case No. _____
Debtor(s)	Chapter <u>11</u>

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, Mark Avallone, declare under penalty of perjury that I am the President of Trotters NY Restaurant Group, LLC, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 8th day of September, 2010.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Mark Avallone, President of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Mark Avallone, President of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Mark Avallone, President of this Corporation is authorized and directed to employ Jonathan S. Pasternak, attorney and the law firm of Rattet, Pasternak & Gordon-Oliver, LLP to represent the corporation in such bankruptcy case."

Date September 8, 2010

Signed /s/ Mark Avallone
Mark Avallone

**Resolution of Board of Directors
of
Trotters NY Restaurant Group, LLC**

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Mark Avallone, President of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Mark Avallone, President of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Mark Avallone, President of this Corporation is authorized and directed to employ Jonathan S. Pasternak, attorney and the law firm of Rattet, Pasternak & Gordon-Oliver, LLP to represent the corporation in such bankruptcy case.

Date September 8, 2010

Signed /s/ Mark Avallone
Mark Avallone